

AO 440 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

# United States District Court

SOUTHERN

DISTRICT OF NEW YORK

LINDA MCGARR,

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 07 Civ. 9488

CITY OF PEEKSKILL, WESTCHESTER COUNTY,  
DAVID LEVINE, THOMAS MCINTYRE, WALTER BROVARSKI,  
EUGENE TUMOLO, JOHN AND JANE DOE SUPERVISORS,  
DANIEL STEPHENS, LOUIS ROH, and MILLIARD HYLAND,

TO: (Name and address of defendant)

EUGENE TUMOLO

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

EMERY CELLI BRINCKERHOFF & ABADY LLP  
75 ROCKEFELLER PLAZA, 20TH FLOOR  
NEW YORK, NEW YORK 10019

-20-

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

OCT 24 2007

DATE

(BY) DEPUTY CLERK

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## RETURN OF SERVICE

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE 10/29/2007
NAME OF SERVER (PRINT) Eric Hecker	TITLE Attorney at Law

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☒ Other (specify): By e-mail and U.S. mail, per agreement with Brian S Sokoloff, defense counsel.

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

10/29/2007

Signature of Server

Emery Celli, et al.  
75 Rockefeller Plaza, 20th Fl  
New York, NY 10019

Address of Server

NOHAM 13 1011

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.